

The Examiner required election of, and restriction of the application to, one of the following groups

- I. Claims 1 to 10 drawn to catalyst packings and to a process of producing them, now also including Claims 12 to 16 which depend upon Claims 6 to 10; and
- II. Claim 11 drawn to a method of using the catalyst packings, now also including Claim 17 which depends upon Claim 11.

Applicants herewith elect group (I) encompassing Claims 1 to 10 and 12 to 16. Traversal of the Examiner's restriction requirement is, however, respectfully solicited in light of the following remarks.

The Examiner argued that the differently grouped claims were drawn to distinct inventions in accordance with the guidelines provided in MPEP §806.05(h) because the product as claimed, ie. the catalyst packing, could be used in a materially different process such as *"as a sorbent for the purification of automotive exhaust gases"* or as *"a membrane absorbent for separation of gases"*²⁾. On the one hand, it is respectfully urged that the utilization of applicants' catalyst packings in the purification of automotive gases cannot be deemed to be materially different because the respective purification is encompassed by applicants' method³⁾. On the other hand, it is technically not deemed to be reasonable to consider a catalyst packing which is a fabricated woven or knitted fabric and which is in the form of shaped continuous web goods as an equivalent of a membrane for gas separation. The Examiner's respective argument is therefore not deemed to be sufficient to establish distinctness under the guidelines provided in MPEP §806.05(h). Moreover, the fact that it might be argued that applicants' product is distinct from the method of using it is not deemed to support the restriction requirement in the present case where the claims relate to the product, a process of making the product and a method of using the product. 37 C.F.R. §1.141(b) provides *"Where claims to all three categories, product, process of making, and process of use, are included in a national application, a three way requirement for restriction can only be made where the process of making is distinct from the product. If the process of making and the product are not distinct, the process of using may be joined with the claims directed to the prod-*

2) Cf. page 2, lines 13 to 16, of the Office action of March 30, 2005.

3) Cf. page 1, indicated lines 10 to 15, in conjunction with page 7, indicated lines 6 to 8, of the application.

uct and the process of making the product even though a showing of distinctness between the product and process of using the product can be made." It is therefore respectfully requested that the requirement to restrict the application to

(a) claims relating to the product and the process of making the product, or

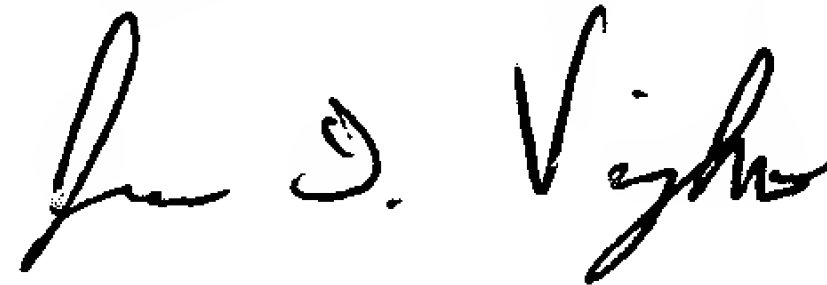
(b) claims relating to the use of the product,

be withdrawn. Favorable action is solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 14.1437. Please credit any excess fees to such deposit account.

Respectfully submitted,

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Encl.: CLAIM AMENDMENTS (Appendix II)

JDV/BAS